THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :26960 of 2007

DATED:31-12-2007

BETWEEN:

Nainala Bhavannarayana & 3 others.

..... PETITIONERS

AND

The Government of A.P.,
Rep., by its Secretary,
Revenue Department,
Secretariat,
Hyderabad & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents in trying to take away the lands of the petitioners, namely Ac.0.93 cents in Sy.No.431; Ac.0.87 cents in Sy.No.431/14 belonging to the 1st petitioner; Ac.0.65 cents in Sy.No.431/IB; Ac.0.33 cents in Sy.No.431/6; Ac.1.00 in Sy.No.431/8 belonging to the 2nd petitioner; Ac.1.12 cents in Sy.No.431/5 and Ac.0.80 cents in Sy.No.431/7 belonging to the 3rd petitioner;
Ac.0.93 cents in Sy.No.31/13; Ac.1.05 cents in Sy.No.431/9, 11; and Ac.0.95 cents in Sy.No.431/7 of Chimakurthi village, as illegal, and arbitrary.

3. It is the case of the petitioners that they have purchased certain extents of land in Sy.No.431 vide registered sale deeds, dated 2005-2006, situated at Endluru village, hamlet of Santhanuthalapadu village and mandal, Prakasam District, and the said land is sought to be used for the purpose of allotting house sites under 'Indiramma Housing Scheme'. It is stated that

the said land is not an assigned land or Government land, but it is their private land and therefore even if the said land is required for housing purpose they cannot use the same without following due process of law by acquiring the land. Even if it is an assigned land, the authorities cannot dispossess the petitioners without following due procedure prescribed under the provisions of the A.P.Assigned Lands (Prohibition of Transfers) Act,1977.

4. Having regard to the facts and circumstances, without expressing any opinion regarding the merits of the case, 3rd respondent is directed not to dispossess the petitioners without following due process of law.

5. Accordingly, Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

31st December, 2007.
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